

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES WILLIAMS,

4:16-cv-05043-SAB

Plaintiff,

**ORDER DENYING LEAVE TO
PROCEED *IN FORMA
PAUPERIS* AND DISMISSING
ACTION FOR FAILURE TO
PAY FILING FEE**

PA PHILIPS, DR. REYES, DR. SMITH
and PA JEN AMBROSE,

Defendants.

By Order filed July 13, 2016, the Court directed Plaintiff James Williams, a prisoner at the Washington State Penitentiary, to show cause why he should not be denied leave to proceed *in forma pauperis*. Plaintiff has filed nothing further in this action.

Plaintiff has not refuted the Court's finding that he is precluded from proceeding without prepayment of the filing fee under 28 U.S.C. § 1915(g), or that he has failed to present any facts to excuse the preclusive effects of this statutory

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1 provision. *See Andrews v. Cervantes*, 493 F.3d 1047, 1055-56 (9th Cir. 2007)
2 (discussing imminent danger exception to three-strikes rule).

3 Therefore, **IT IS ORDERED THAT:**

- 4 1. Plaintiff's application to proceed *in forma pauperis* is **DENIED**.
5 2. Although granted the opportunity to do so, Plaintiff did not pay the
6 \$400.00 fee (\$350.00 filing fee, plus \$50.00 administrative fee) to commence this
7 action. Therefore, this action is **DISMISSED** for failure to comply with the filing
8 fee requirements of 28 U.S.C. § 1914.

9 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
10 enter judgment, forward a copy to Plaintiff, and close the file. The Court certifies
11 any appeal of this dismissal would not be taken in good faith.

12 **DATED** this 17th day of August, 2016.



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16 Stanley A. Bastian

17 Stanley A. Bastian
18 United States District Judge
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